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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/584,797	06/01/2000	Guy Nathan	871-82	4971

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EXAMINER
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TRAN, HAI V

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 06/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/584,797	<b>Applicant(s)</b> NATHAN ET AL	
	<b>Examiner</b> Hai Tran	<b>Art Unit</b> 2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments filed 01/21/2005 have been fully considered but they are moot in view of the new ground rejection.

### ***Drawings***

New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the informal corrected drawings are not of sufficient quality. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, lines 16 recites "wherein the a network site..., and comprises a plurality of screens, in which at least one 1<sup>st</sup> screen displays the list of audiovisual information reproduction devices installed locally..."

The "network site", as recited can be construed as 1) the claimed host server, and 2) the computer 20 of the Applicant specification. In light of the Applicant's specification, the "network site" seems to be the computer 20. the Examiner notes that since the claim is an apparatus claim, it would make the claim unclear/indefinite for the "network site" to be the host server, in that the claim as currently recited requires two(2) distinct elements.

### ***Claim Objections***

Claim 1 is objected to because of the following informalities: claim 1, Line 14, "an network site" should be changed to -- a network site --. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-9, 13-16, 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin et al. (US 5355302) in view of Richardson (US 6054987), and further in view of Nichols et al. (US 6138150).

claim 1, Martin discloses a system for remote management of at least one audiovisual information reproduction device (abstract; Fig. 1) comprising a host server 11 connected to telecommunication means (15) of each audiovisual information reproduction device 13, the host server 11 comprising storage means

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25, 51 capable of storing a database containing, for each audiovisual information reproduction device:

management information (Col. 5, lines 65-Col. 6, lines 60), which can be consulted by the server,

a set of available musical selections (catalog 95 and 93; Col. 5, lines 65-Col. 6, lines 60) which can be consulted and modified by the server, and

a set of possible configurations (whether to replace/update specific song; available storage and available size...; Col. 5, lines 65-Col. 6, lines 60) which can be consulted by the server, wherein the host server 11 also comprises a network site manager 21 communicating with the database 23 (Col. 3, lines 25-30) and managing a network site installed on the server (Col. 3, lines 65-Col. 4, lines 3 and Col. 5, lines 60-65+).

Martin does not specifically disclose "wherein the network site is accessible by an operator responsible for the management of at least one audiovisual information reproduction device and comprises a plurality of screens, in which at least one of the 1<sup>st</sup> screen displays the list of audiovisual information reproduction devices installed locally and for which usage information is available, the choice of at least one audiovisual information reproduction device being validated causing the display of at least one of the following series of screen:

a 1<sup>st</sup> series of screens that the operator can use to modify the operating parameters of each selected audiovisual information reproduction device;

a 2<sup>nd</sup> series of screens that the operator can use to order at least one song for downloading on the audiovisual information reproduction systems from a chosen list of devices or to delete at least one song;

a 3<sup>rd</sup> series of screens displaying information about the use of an audiovisual information reproduction device.” Martin discloses that a network site manager 21 able to manage at least one audiovisual information reproduction device 13 for modifying the operating parameters of each selected audiovisual information reproduction device, for ordering at least one song for downloading on the audiovisual information reproduction systems from a chosen list of devices or to delete at least one song; for displaying information about the use of an audiovisual information reproduction device, as discussed.

Martin does not disclose the network site is remotely accessible by an operator and having a plurality of screens (GUI) for performing the management task.

Richardson discloses a plurality of screens with at least one 1<sup>st</sup> screen comprising a popup menu display a list of data; a 2<sup>nd</sup> series of screens in which the user could perform further actions and a 3<sup>rd</sup> series of screens displaying information (see Fig. 5-6; Col. 5, lines 1-52). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Martin with Richardson so to provide to the operator a friendly GUI of a managed network environment.

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Martin in view of Richardson does not specifically disclose "wherein the network site is accessible by an operator".

Nichols discloses a personal computer or workstation with an interface able to remotely controlling a central computer/mainframe (network site) (Abstract ;Col. 4, lines 20-36). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Martin in view of Richardson with Nichols so to control a remote computing device through the Internet or other network (Col. 1, lines 5-12).

Claim 2, Martin (Col. 5, lines 65-Col. 6, lines 21) in view of Richardson and Nichols further discloses that the network site manager 21 collects information about the operation of each audiovisual information reproduction device 13 displayed on each screen, and displayed the list of available songs, in the database.

Claim 3, as to limitation "characterized in that modification made by the operator in the 1<sup>st</sup> and /or 2<sup>nd</sup> screens are stored in a file and are translated into the language of the database to update the data modified in these series of screens and update each audio visual information reproductions as soon as a communication is set up between the host server and each audiovisual information reproduction device" is inherently met by Martin in view of Richardson and Nichols due to the fact that Martin 's audiovisual information reproduction devices 13 interface/interact with the host server 11 and its databases via a well known Open Database Connectivity ("ODBC") interface for translating and interfacing with connected database.

Claim 4, Martin in view of Richardson and Nichols (Col. 5, lines 20-27) further discloses that the network site manager comprises means of authentication of the operator designed to limit the operator's access to the audiovisual information reproduction devices that he manages.

Claim 5, limitation "the screens in the 1<sup>st</sup> and 2<sup>nd</sup> series of screens comprise a toolbar with several selection buttons that display either a screen in the 1<sup>st</sup> or 2<sup>nd</sup> series screen, or validate operations performed on the screen being displayed" is further met by Martin in view of Richardson's GUI interface as discussed in claim 1 (Col. 4, lines 62-65+).

Claim 6, limitation "a 1<sup>st</sup> selection button in the toolbar initiates the display of the 3<sup>rd</sup> screen comprising a 1<sup>st</sup> window displaying information about location of the audiovisual information reproduction device chosen by the operator, and an input area to update the information displayed in the 1<sup>st</sup> windows if required" is further met by Martin in view of Richardson's GUI interface as discussed in claim 1 because of the interactivity of events within the windows graphical interface (Col. 4, lines 62-65+).

Claim 7, limitation "a second selection button in the toolbar triggers the display of 4<sup>th</sup> screen in the 2<sup>nd</sup> series of screens comprising several input areas that will be used to define selection criteria for selecting songs, the list of corresponding songs being initially collected in the database by the site manager sending a request



containing the criteria chosen by the operator in the input fields, and secondly displayed in a popup window in the screen” is further met by Martin in view of Richardson’ s GUI interface as discussed in claim 1 because of the interactivity or events within the windows graphical interface (Col. 4, lines 62-65+).

Claim 8, limitation “validating the choice of a song selected in the popup window in the 4<sup>th</sup> screen triggers the display of a 5<sup>th</sup> screen comprising several areas containing elements identifying the selected song, a popup window displaying the list of audiovisual information reproduction devices managed by the operator, a 1<sup>st</sup> selection area validating the purchase of the selected song for the audiovisual information reproduction devices selected by the operator in the popup window, by sending a request to the site manager, and a 2<sup>nd</sup> selection area displaying the 4<sup>th</sup> screen again” is further met by Martin in view of Richardson’ s GUI interface as discussed in claim 1 because of the interactivity or events within the windows graphical interface (Col. 4, lines 62-65+).

Claim 9, limitation “a 3<sup>rd</sup> selection button on the toolbar triggers the display of a 6<sup>th</sup> screen comprising firstly a number of fields containing information about the use of the audiovisual information reproduction device chosen by the operator, secondly a 1<sup>st</sup> popup window containing the list of songs to be downloaded to the audiovisual information reproduction device chosen by the operator and a second popup window containing the list of songs to be deleted from this audiovisual information reproduction device, and thirdly a 1<sup>st</sup> selection area triggering

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cancellation of downloading of one or several songs previously selected by the operator in the 1<sup>st</sup> popup window, and a 2<sup>nd</sup> selection area triggering cancellation of the deletion of one or several songs previously selected by the operator in the 2<sup>nd</sup> popup window” is further met by Martin in view of Richardson’ s GUI interface as discussed in claim 1 because of the interactivity or events within the windows graphical interface (Col. 4, lines 62-65+) in which Martin’ s updating function performs.

Claim 15, limitation “characterized in that an eighth button in the toolbar triggers the display of a screen that will be used to define a default basic configuration of all or some of the audiovisual information reproduction devices managed by the operator” is further met by Martin in view of Richardson as discussed in claim 1, wherein the claimed feature “a default basic configuration of all or some of the audiovisual information reproduction devices managed” is inherently met because each audiovisual information reproduction device has its own default configuration that is set by either the manufacture or by network administrator during the configuration of each audiovisual information reproduction device that connects to the network.

Claim 16, “characterized in that the 2<sup>nd</sup> series of screens includes a screen containing a 1<sup>st</sup> menu in which the song category required by the operator is selected, a 2<sup>nd</sup> menu in which the style of the song required by the operator is selected, and a selection area in which the operator validates his choice to trigger the display of a 2<sup>nd</sup> screen comprising a 1<sup>st</sup> window displaying the list of songs in the

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1<sup>st</sup> category and style chosen by the operator, and a second windows displaying the list of songs selected by the operator in the list in the 1<sup>st</sup> window and a selection area in which the operator validates his choice” is further met Martin in view of Richardson (Col. 4, lines 62-65+) GUI interface as discussed in claim 1 because of the interactivity or events, i.e., validate the selection within the windows graphical interface.

Claim 18, “characterized in that the 2<sup>nd</sup> window also comprises the list of songs already memorized on the audiovisual information reproduction device” is further met by Martin in view of Richardson (Col. 4, lines 62-65+), as discussed in claim 1, due to Martin’ s updating function and the interactivity or events within the windows graphical interface in which Martin the list of songs already memorized on the audiovisual information reproduction device.

Claim 20, Martin further discloses that the system comprises a magnetic or optical recording system such that the songs selected by the operator are recorded on a portable magnetic or optical medium, or a solid state electronic memory, preferably semi-conductor based (see Fig. 1, el. 25, 51).

2. Claims 10 and 17, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin et al. (US 5355302) in view of Richardson (US 6054987), and further in view of Nichols et al. (US 6138150), and further in view of Kleiman (US 5959945).

Claim 10, as analyzed in claim 1, Martin in view of Richardson (Col. 4, lines 62-65+) further meets claimed limitation "a 4<sup>th</sup> selection button on the toolbar triggers the display of a 7<sup>th</sup> screen comprising several fields, a 1<sup>st</sup> popup window, a 2<sup>nd</sup> popup window, the 7<sup>th</sup> screen also contain selection area that triggers deletion of the song (s) selected by the operator in the 2<sup>nd</sup> popup window" due to Martin's updating function and the interactivity or events within the windows graphical interface.

Martin in view of Richardson and Nichols do not clearly disclose "information about statistics on the use of the information reproduction device chosen by the operator, list of most frequently played songs, list of least frequently played songs on the audiovisual reproduction device chosen by the operator".

Kleiman discloses information about statistics on the use of the information reproduction device (Col. 9, lines 44-57), list of most frequently played songs, list of least frequently played songs on the audiovisual reproduction device (Col. 10, lines 18-35). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Martin in view of Richardson and Nichols with Kleiman so the operator could effectively determine music to be downloaded to the corresponding jukebox.

Claim 17, Martin in view of Richardson and Nichols do not clearly disclose "characterized in that the list of displayed songs is collected in the database among the most frequently played song on all the operator's jukeboxes or among the songs most frequently played on all jukeboxes managed by the server or among the songs

most frequently played on all jukeboxes installed in all branches belonging to the same determined category”.

Kleiman discloses information about statistics on the use of the information reproduction device (Col. 9, lines 44-57), list of most frequently played songs, list of least frequently played songs on the audiovisual reproduction device (Col. 9, lines 40-56 and Col. 10, lines 18-35). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Martin in view of Richardson and Nichols with Kleiman so the operator could effectively determine music to be downloaded to the corresponding jukebox.

Claim 19, “characterized in that the 3<sup>rd</sup> series of screens comprises at least one screen comprising a window” is further met by Martin in view of Richardson (Col. 4, lines 62-65+) because of the interactivity or events within the windows graphical interface. As to “indicating the date(s) on which the audiovisual information reproduction device was switched off/ and or on” and “ indicating the date(s) on which a communication device and the host server was interrupted”, they are further met by Richardson due to function of the network management protocol that monitor the activities of each node connected to the network.

Martin in view of Richardson does not clearly disclose displaying the list of songs played by the audiovisual information reproduction device, and the date on which each song was played;

Kleiman discloses information about statistics on the use of the information reproduction device (Col. 9, lines 40-56 and Col. 10, lines 18-35). Therefore, it

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would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Martin in view of Richardson and Nichols with Kleiman so the operator could effectively determine music to be downloaded to the corresponding jukebox.

3. Claims 11 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin et al. (US 5355302) in view of Richardson (US 6054987), and further in view of Nichols et al. (US 6138150), and further in view of Rhoads (US 6311214).

Claim 11, as analyzed in claims 1 and 5, Martin in view of Richardson further meets claimed limitation characterized in that a 5<sup>th</sup> selection button on the toolbar triggers the display of a screen comprising a 1<sup>st</sup> series and a 2<sup>nd</sup> series of input areas that the operator can use to choose.

Martin in view of Richardson and Nichols does not clearly disclose the operator can use to choose the number of possible selections after paying the price, for each price in those input areas.

Rhoads discloses the operator can use to choose the number of possible selections after paying the price, for each price (Col. 51, lines 22-46). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Martin in view of Richardson and Nichols with Rhoads so the operator could have a flexibility to control access of the owned song/music (Col. 51, lines 10-21).

Claim 21, Martin further discloses songs are recorded on a portable magnetic or optical medium in a compressed format, the songs only being decompressed and when the song is played on an audiovisual information reproduction device.

Martin in view of Richardson and Nichols does not disclose recorded song are encrypted and decrypted when the song is played back.

Rhoads discloses that songs are encrypted and recorded on a portable magnetic or optical medium in a compressed format, the songs only being decompressed and decrypted when the song is played on an audiovisual information reproduction device (Col. 44, lines 17-col.45, lines 22). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Martin in view of Richardson and Nichols with Rhoads so to prevent unauthorized copy and use of the recorded media.

4. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Martin et al. (US 5355302) in view of Richardson (US 6054987), and further in view of Nichols et al. (US 6138150), and further in view of Dobbs et al. (US 5566237).

Claim 12, as discussed in claim 1, limitation "the eighth screen comprises several input areas used to choose" is met by Martin in view of Richardson (Col. 4, lines 62-65+) because of the interactivity or events within the windows graphical interface.

Martin in view of Richardson and Nichols does not disclose parameters required to adjust audio reproduction means of the audiovisual information reproduction device.

Dobbs discloses parameters required to adjust audio reproduction means of the audiovisual information reproduction device (Abstract and Summary). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Martin in view of Richardson and Nichols with Dobbs by including a sound level adjusting method in order to vary the attenuation of the variable volume circuit from the remote site (Col.9, lines 62-Col.10, lines 16).

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of



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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Tran whose telephone number is (571) 272-7305. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher C. Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HT:ht  
06/10/2005

A handwritten signature in black ink, appearing to read 'Hai Tran', is written over two horizontal lines.

**HAI TRAN  
PRIMARY EXAMINER**